

REMARKS

Claim 1 is independent and stands rejected under 35 U.S.C. § 102 as being anticipated by Lee '824 ("Lee"). This rejection is respectfully traversed for the following reasons.

In order to expedite prosecution, Applicants' representative initiated a telephone interview with Examiner Comley. Applicants and Applicants' representative would like to thank Examiner Comley for his courtesy in conducting the interview and for his assistance in resolving issues. As a result of the interview, it was agreed that the claims as currently recited distinguish over the cited prior art so that the pending rejections would be withdrawn, and that an updated prior art search would be performed prior to allowance of the application. A summary of the interview discussion follows.

Claim 1 recites in pertinent part, "a flange which is generally U-shaped having upper and lower surfaces, and an outer surface disposed so as to surround an outer periphery of the connection pipe." The Examiner had maintained the pending rejections based on the assertions set forth on page 10, section 12 of the outstanding Office Action. Specifically, the Examiner took two interpretations of the device of Lee as reading on the claimed flange. First, the Examiner alleged "that the flanges 233, in that they are located on opposing sides of the connection pipes 22, do in fact surround the connection pipe in a sealing manner." Second, the Examiner alleged that "base section 23 ... acts as a flange surrounding the connection pipes."

As discussed during the interview, however, neither elements 233 nor element 23 of Lee have an outer surface, as distinguished from the claimed upper and lower surfaces, which "surround[s] an *outer periphery* of the connection pipe 22." Specifically, as shown in Figure 4 of Lee, the connection pipes 22 do not extend into the base section 23. Rather, the connection pipes 22 have flat, open ends which are fixedly connected to, and terminate at, a corresponding flat, top

surface of the base section 23. Accordingly, as both elements 233 and 23 of Lee are arranged below the interface at which the connection pipes 22 are connected to the base 23, an outer surface of either elements 233 or 23 does not surround an outer periphery of the connection pipes 22.

Moreover, with respect to the Examiner's allegation that the ears 233 of Lee can be interpreted as *surrounding* the connection pipes 22 by simply being arranged on opposing sides thereof, it is respectfully submitted that the term "surround" requires more than simply being arranged on "opposing sides" as relied on by the Examiner. For example, as defined in Merriam-Webster Online, the term surround embodies "to enclose on all sides" (e.g., all three sides) and not just the two opposing sides as in Lee. Indeed, Lee is not concerned with the specific leakage issues which can be obviated by the present invention as discussed throughout prosecution, so that Lee has no disclosed need or desire for the claimed arrangement.

In addition, with respect to the Examiner's newly asserted alternative interpretation that the base section 23 itself can be interpreted as the flange which surrounds the connection pipes 22, as noted above, the connection pipes 22 do not extend into the base section 23; i.e., as shown in Figure 4 of Lee, the base section 23 is arranged below the interface at which the connection pipes 22 are connected to the base section 23 (*compare* with Figures 2-4 of Applicants' drawings, illustrating one exemplary embodiment in which the connection pipe 113 can extend through the flange 118, whereby the outer surface of the flange can be disposed so as to surround an outer periphery of the connection pipe). Accordingly, the outer surface of element 23 of Lee does not surround an outer periphery of the connection pipes 22. In contrast, as discussed during the interview, the top surface of element 23 merely covers a bottom surface of the connection pipes 22.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by

probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Lee does not anticipate claim 1, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35 U.S.C. § 102/103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

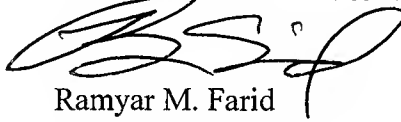
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

Application No.: 10/509,748

including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read 'R. Farid', is written over the printed name.

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